

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JOHN MARK WHITTEN,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. CV 05-S-1564-NE
)	
DONAL CAMPBELL, <i>et al.</i>,)	
)	
Defendants.)	

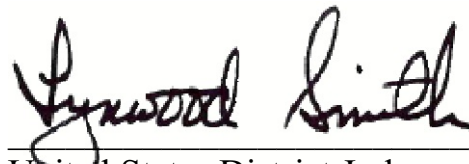
MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on January 2, 2007, recommending that this action be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). The magistrate judge further recommended that any supplemental state law claims be dismissed without prejudice, pursuant to 28 U.S.C. § 1367(c)(3), and that the plaintiff's "Motion for Temporary Injunction" (doc. no. 34) be denied. The plaintiff filed objections to the report and recommendation on January 18, 2007. (doc. no. 38).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be, and it hereby is, **ADOPTED**, and the recommendation is **ACCEPTED**. Accordingly, the plaintiff's "Motion for Temporary Injunction" (doc. no. 34) is **DENIED**. Additionally, the

complaint is due to be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). Any supplemental state law claims are due to be dismissed without prejudice, pursuant to 28 U.S.C. § 1367(c)(3). A Final Judgment will be entered.

DONE this 31st day of January, 2007.

A handwritten signature in black ink, appearing to read "Lynwood Smith", is written over a horizontal line.

United States District Judge